

Remarks

Claims 1, and 3-10, 12-14, 18-19, 22, 30-48 are pending in the application. The Commissioner is authorized to charge any requisite fee associated with this paper, or credit any overpayment, to Deposit Account 20-1507. In the event a Petition for an extension of time is needed, this paper is to be considered such a Petition.

Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 1, 3, 4, 7-10, 13, 14, 22 and 30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31, 38, 45, 46, and 47 of copending Application No. 09/896,961 ("the '961 application"). The Examiner indicated that the '961 application discloses compositions and processes for making exfoliated intercalates. Applicants respectfully traverse this provisional rejection.

The '961 application has been allowed. In an Amendment Under 37 C.F.R. § 1.312 ("the § 312 Amendment"), the Applicants of the '961 application cancelled claims 38 and 47. Applicants enclose a copy of the § 312 Amendment and the claims allowed in the '961 application for the Examiner's convenience.

Applicants respectfully submit that claims 38 and 47 were the only claims in the '961 application directed to exfoliated intercalates. Claims 31 and 45 are independent claims and are silent with respect to exfoliation. Claim 46 is dependent on claim 45, and it does not include exfoliation of the intercalates. Because only claims 38 and 47 are directed to exfoliated intercalates, and because these claims have been cancelled, Applicants respectfully submit that the provisional rejection under obviousness-type double patenting is now improper. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

Rejections Under 35 USC 112, Second Paragraph

The Examiner rejected claims 1, 9, 22, 30, 34, 35, 36, 40, 41, 42 and 43 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants respectfully traverse this rejection.

The Examiner objected to the terminology "less than about 2%." Applicants have amended the claims read "less than 2%," thus eliminating any questions regarding the scope of the claims. Applicants note that support for this amendment is found throughout the

specification, specifically at page 8, lines 28-32.

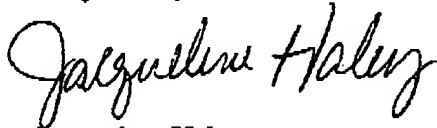
Objected Claims

The Examiner objected to claims 5-6, 12, 18-19, 31-33, 44-48 as being dependent on a rejected base claim. Applicants believe that the necessary base claims are now allowable and respectfully request that these claims be allowed as well.

CONCLUSION

Pursuant to the above amendments and remarks, Applicants respectfully request entry of the present amendment and allowance of all pending claims.

Respectfully submitted,



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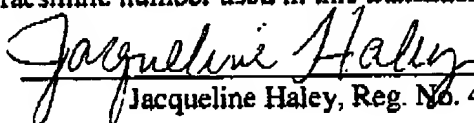
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